

REMARKS

Claims 1-41 are pending in the present application.

The Examiner is respectfully requested to acknowledge that claims 1-41 are currently pending, rather than claims 1-40 as inadvertently noted in the current Office Action dated May 28, 2004.

Drawings

Enclosed is a courtesy copy of six (6) Drawing Replacement Sheets filed along with the Amendment on March 18, 2004. **The Examiner is respectfully requested to acknowledge receipt and approval of the Drawing Replacement Sheets as initially filed along with the Amendment dated March 18, 2004.**

Information Disclosure Statement

Enclosed is a copy of an Information Disclosure Statement and three (3) Disclosure Citation Forms PTO-A820, and a copy of a Letter of Related Applications, filed on July 12, 2004. Also enclosed is a copy of a dated, stamped postcard receipt provided as evidence that the Information Disclosure Statement and the Letter of Related Applications were received by the U.S. Patent Office. **The Examiner is respectfully requested to acknowledge receipt of the Information Disclosure Statement and the Letter of Related Applications, and to confirm that the documents as submitted along with the Information Disclosure Statement have been considered and will be cited of record of the present application.**

Double Patenting

Claims 1-40 (presumably claims 1-41) have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-59 of U.S. Patent No. 6,392,610.

The Examiner has acknowledged that the conflicting claims are not identical, but has asserted that they are not patentably distinct from each other "because both inventions are drawn to an antenna device for transmitting and receiving radio waves connectable to a communication device". The Examiner has further asserted that the independent claims of the present application "discuss similar subject matter to claims 1 and 6-9 of the above mentioned application".

Initially, Applicants note that as stated in Manual of Patent Examining Procedure section 804 II.B.1, any analysis employed in an obvious-type double patenting rejection must parallel the guidelines for analysis of a 35 U.S.C. 103 obviousness determination. The rejection should make clear the differences between the inventions defined by the conflicting claims, and the reasons why one of ordinary skill would conclude that the invention defined in the claim at issue is an obvious variation of the invention defined in a claim in the patent. However, detailed analysis that would parallel the guidelines for analysis of a 35 U.S.C. 103 obviousness determination is not included in the current Office Action.

Although Applicants do not necessarily concede that the above noted obviousness-type double patenting rejection is proper, enclosed is a Terminal Disclaimer prepared in compliance with 37 C.F.R. 1.321(c). Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 1-41 under the

judicially created doctrine of obviousness-type double patenting for at least the above reasons.

In accordance with the provisions of 37 C.F.R. 1.321(c), a Terminal Disclaimer fee in the amount of \$110.00 as required under 37 C.F.R. 1.20(d), is enclosed.

Conclusion

The Examiner is respectfully requested to reconsider and withdraw the above noted rejection, and to pass the claims of the present application to issue, for at least the above reasons.

In the event that there are any outstanding matters remaining in the present application, please contact Andrew J. Telesz, Jr. (Reg. No. 33,581) at (703) 715-0870 in the Washington, D.C. area, to discuss these matters.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment for any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0238.

Respectfully submitted,

VOLENTINE FRANCOS, P.L.L.C.



Andrew J. Telesz, Jr.
Registration No. 33,581

AJT:tljw

VOLENTINE FRANCOS, P.L.L.C.
One Freedom Square, Suite 1260
Reston, VA 20190
Telephone No.: (703) 715-0870
Facsimile No.: (703) 715-0877

Enclosures: - Six (6) Drawing Replacement Sheets
- Copy of Information Disclosure Statement and Three (3) Disclosure
Citation Forms PTO-A820
- Copy of Letter of Related Applications
- Copy of Postcard Receipt
- Terminal Disclaimer